

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 05-CR-80869-7

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

D-7 HAN HUANG,

Defendant.

**ORDER REQUESTING THAT THE GOVERNMENT RESPOND TO
DEFENDANT HUANG'S MOTION FOR LEAVE TO FILE AN UNTIMELY APPEAL**

Before the Court are Defendant Han Huang's ("Defendant") July 17, 2008 Motion for Leave to File an Untimely Appeal and Motion to Proceed on Appeal in forma pauperis. (Doc. Nos. 195 & 196).

On December 18, 2006, the Court sentenced Defendant to six months imprisonment with the Bureau of Prisons as a result of his guilty plea to Count I of the Government's July 12, 2006 Third Superseding Indictment (18 U.S.C. § 371 and 8 U.S.C. § 1324) for his role in an alien smuggling conspiracy. Defendant was represented throughout the criminal proceedings by counsel Peter J. Kelley.

In his motion, Defendant states that his counsel, Mr. Peter J. Kelley, refused his request to file a timely appeal with the United States Court of Appeals for the Sixth Circuit. Defendant contends that his counsel's failure to file an appeal constitutes ineffective assistance of counsel pursuant to *Strickland v. Washington*, 466 U.S. 668 (1984), and *Roe v. Flores-Ortega*, 528 U.S. 470 (2000).

The Court takes judicial notice that Defendant has completed his sentence for the instant offense on September 7, 2007. According to his pleadings, Defendant is now at a Federal Detention Center in Oakdale, Louisiana, relating to his deportation.

The Court requests that the Government respond to Defendant's motion within fourteen (14) days of the instant order.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 18, 2008.

s/Denise Goodine
Case Manager